

ENTERED

June 01, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. H-18-278
	§	
PRESMER, LLC	§	

REPORT AND RECOMMENDATION

Before the court, by referral pursuant to 28 U.S.C. §636(b), is the matter of the re-arraignment of Presmer, LLC, the defendant in this action. On May 31, 2018, Defendant Presmer, LLC, appeared with counsel before the undersigned magistrate judge for the purpose of entering a guilty plea to Count 1 of the Information charging it with smuggling goods into the United States, in violation of 18 U.S.C. §§ 545 and 2.

Defendant Presmer, LLC, through its principal, Annsley Popov, consented in writing to plead guilty before a United States Magistrate Judge. After conducting said proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

1. Defendant Presmer, LLC, through its principal Annsley Popov, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of its rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by Chief United States District Judge Lee Rosenthal.

2. Defendant Presmer, LLC, through its principal Annsley Popov, is capable of entering an informed plea.
3. Defendant Presmer, LLC, through its principal, Annsley Popov, is aware of the nature of the charges, the maximum punishment range and other penalties that may be imposed at sentencing.
4. Defendant Presmer, LLC, through its principal, Annsley Popov, understands its constitutional and statutory rights and wishes to waive those rights.
5. Defendant Presmer, LLC, through its principal, Annsley Popov, understands that the sentencing judge may consider all relevant conduct at sentencing and that if its counsel's recommendation on sentencing is not followed by the sentencing judge, it may not withdraw its plea of guilty.
6. Defendant Presmer, LLC's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count 1 of the Information.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Defendant Presmer, LLC, to Count 1 of the Information be accepted by the court and that Presmer, LLC, be adjudged guilty of the offense alleged in Count 1 of the Information, to wit: smuggling goods into the United States, in violation of 18 U.S.C. §§ 545 and 2.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas, 77208. Copies of such objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

SIGNED at Houston, Texas, this 1st day of June, 2018.



U.S. MAGISTRATE JUDGE